

1 *E-filed on* 9/8/06

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 IN RE CYGNUS TELECOMMUNICATIONS
13 TECHNOLOGY, LLC, PATENT
14 LITIGATION

15 THIS ORDER RELATES TO:

16 C-06-03843 RMW
17 C-06-04295 RMW

No. MDL-1423
This Order Applies to

C-06-03843 RMW
C-06-04295 RMW

ORDER TO SHOW CAUSE WHY
CONSOLIDATED ACTION SCHEDULING
ORDERS SHOULD NOT APPLY

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19 Case nos. C-06-03843 (*Cygnus Telecommunications Technology, LLC v. American*
20 *International Telephonics, LLC*) and C-06-04295 (*Cygnus Telecommunications Technology, LLC v.*
21 *Worthington*) have been transferred to this court. The court previously instructed plaintiff's and
22 defendants' liaison counsel to discuss with the defendants in these two new cases the feasibility of
23 following the schedule in the consolidated cases leading up to the November 20, 2006 claim
24 construction hearing. *See* Misc. Order (July 14, 2006). Liaison counsel reported back that the
25 attorney for some of the new defendants believed her case had not yet been transferred to this district
26 and was therefore unwilling to participate.


27 In case no. C-06-03843, Meredith L. Caliman is listed as counsel for defendants International
28 Telecom Exchange and Tremcom International Inc. The clerk for the Central District of California

1 entered the default of defendants Callmaster, Global Telcom Solutions, and Network Enhanced
 2 Technologies LLC before transfer. Other defendants do not appear to have been served yet. The
 3 Judicial Panel on Multidistrict Litigation (the "MDL Panel") ordered the case transferred to this
 4 district on April 6, 2006, and the file was received here on June 20, 2006.

5 In case no. C-06-04295, it does not appear that any defendant has yet been served and no
 6 defendant has had counsel enter an appearance. The MDL Panel ordered the case transferred to this
 7 district on May 18, 2006, and the file was received here on July 13, 2006.

8 Defendants International Telecom Exchange and Tremcom International Inc. are ordered to
 9 show cause by September 15, 2006 why they should not abide by the June 21, 2006 scheduling order
 10 and its subsequent modifications. Plaintiff and defendants' liaison counsel may each file a response,
 11 if warranted, by September 19, 2006. Plaintiff is ordered to show cause by September 15, 2006 why
 12 any (if any) defendant in case nos. C-06-03843 and C-06-04295 remains unserved on that date, and
 13 plaintiff shall also inform the court of any cases pending in other districts that the MDL Panel is
 14 likely to transfer here.¹ No filing shall exceed four pages.

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 17 DATED: 9/8/06


 RONALD M. WHYTE
 United States District Judge

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 26 ¹ The court is aware that *Cygnus Telecommunications Technology, LLC v. Majosa Communications*
 27 *Corp.* was ordered transferred here from the Central District of California by the MDL Panel on
 28 August 25, 2005. It does not appear that order was received by this court until almost a year later.
 The clerk of this court requested transfer of the file on August 14, 2006, but does not appear to have
 received it yet. No defendant has been served in that case, and plaintiff's September 15, 2006 filing
 shall discuss the feasibility of serving the defendants while the transfer is pending.

1 A copy of this order was mailed on _____ to:

2 **Counsel for Plaintiff:**

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4 San Francisco, CA 94115-1131

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Courtesy Copy:

Clerk of the Panel
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Room G-255, North Lobby
Washington, DC 20002-8004

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12 Counsel shall distribute copies of this order to co-counsel, as necessary.
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